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9 Attorneys for Individual and Representative Plaintiffs

10 IN THE UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA

12 Philip Wong, Frederic Chaussy, and Leslie
 13 Marie Shearn, individually, on behalf of all
 others similarly situated, and on behalf of
 the general public,

14 Plaintiffs,

15 vs.

16 HSBC Mortgage Corporation (USA);
 17 HSBC Bank USA, N.A.; and DOES 1
 through 50, inclusive,

18 Defendants.

19 Case No.: 3:07-cv-2446 MMC

20 **DECLARATION OF BRYAN J.
 21 SCHWARTZ, ESQ., IN SUPPORT OF
 PLAINTIFFS' MOTION FOR
 CONDITIONAL CERTIFICATION AND
 JUDICIAL NOTICE PURSUANT TO
 §216(B) OF THE FLSA, FOR
 PRODUCTION OF UPDATED CLASS
 LIST IN EXCEL FORMAT WITHIN 10
 DAYS OF THE DATE THIS MOTION IS
 GRANTED, FOR A PARTIAL
 SUMMARY JUDGMENT UNDER
 FED.R.CIV.P. 56 THAT NAMED
 DEFENDANTS ARE PROPERLY-
 NAMED EMPLOYERS UNDER THE
 FLSA, AND FOR PARTIAL SUMMARY
 JUDGMENT UNDER FED.R.CIV.P. 56
 ON FLSA EXEMPTIONS APPLIED TO
 LOAN OFFICERS**

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24 1. I am counsel for the Plaintiffs in this matter, over 18 years old, and competent to testify.

25 2. Prior to bringing this motion, I sought FLSA conditional certification and notice to the

26 class by stipulation, but opposing counsel refused to stipulate.

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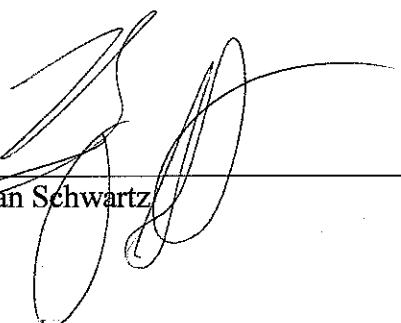
1 3. The parties are not at or near the conclusion of discovery in this matter. Indeed, the
2 parties have just begun, with Plaintiffs deposing three corporate desginees in response to a
3 deposition notice under Rule 30(b)(6), Defendants deposing one of the named-Plaintiffs, and
4 Defendants producing employee lists and a handful of other documents. Although Plaintiffs have
5 served and Defendants answered the first set of discovery, Defendants have yet to produce the
6 vast majority of documents in response to the discovery requests, and many depositions which
7 Plaintiffs are and will be seeking have not even been scheduled.

8 4. Facing Plaintiffs' motion to compel on the issue of production of requested discovery, and
9 after discovery stipulations between the parties, Defendants produced a list of class members in
10 discovery on November 5, 2007.

11 5. I deposed Jeannie Jennings, a Fed.R.Civ.P. 30(b)(6) deponent for Defendant HSBC Bank,
12 USA, NA, on December 19, 2007. I hereby corroborate that all representations made about Ms.
13 Jennings' testimony in the instant motion are true and correct. Plaintiffs can provide relevant
14 transcript excerpts upon the Court's request when the final transcript becomes available.

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16 Pursuant to 28 U.S.C. § 1746 I declare under penalty of perjury under the laws of the United
17 States that the foregoing is true and correct to the best of my knowledge, information, and belief.

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19 DATED: 12/21/07


Bryan Schwartz